

Exhibit 1

CONDENSED COPY

1 UNITED STATES DISTRICT COURT

2 SOUTHERN DISTRICT OF OHIO

3 WESTERN DIVISION

4 CASE NO. C-1-01-680

5
6 ERIC L. JEFFRIES, :

7 Plaintiff, :

8 vs. :

9 PRUDENTIAL INSURANCE :

10 COMPANY OF AMERICA, :

11 Defendant. :
12 - - - - -

13
14 VOLUME II

15 DEPOSITION OF: DANIEL DOUGHERTY

16 Friday, May 16, 2003
17
18
19
20

21 ROSENBERG & ASSOCIATES

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1 A. Actually, it's Carrie Strohl.
2 Q. Carrie Strohl. And, again, she,
3 apparently, made the recommendation, although
4 there's not a record of it, and you authorized
5 it.
6 MR. WAHL: Is there a question?
7 MR. ROBERTS: That was the
8 question.
9 A. Actually, in that case, it appears
10 that I actually documented the SOAP note.
11 Q. So, you're the one that,
12 ultimately, made the decision in the third
13 appeal stage?
14 A. Yes.
15 Q. And then, in the third appeal
16 stage, you and Brian Fuller made the decision
17 to get, to deny the appeal?
18 A. The third appeal wasn't a denial.
19 Q. Right. It was approved, and it was
20 approved on the same medical information on
21 which you denied the second appeal. Right?
22 A. There's a couple things I want to
23 clarify.
24 First of all, on the third appeal,
25 Brian Fuller and I didn't make a decision one

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1 have been approved and they're not subject to
2 further review, they just get their disability
3 check every month?
4 A. No.
5 Q. That doesn't exist?
6 A. No.
7 Q. So, if a guy's in a coma and has
8 been there for seven years, he's got to prove
9 he's disabled every month. Is that the case?
10 MR. WAHL: Objection.
11 A. In order to receive long-term
12 disability benefits, there are the requirements
13 to prove to disability.
14 Q. So, in a situation where you have
15 somebody in a coma, has been in a coma for 1
16 years, has no likelihood of coming out of the
17 coma, do you have them examined every mon
18 have the attending physician's statement sent
19 to the company every month?
20 A. We require periodic proof of
21 disability. If you want a specific answer, no,
22 we don't require an attending physician's
23 statement every month, but we, certainly, do
24 require periodic proof of disability.
25 Q. How periodic, in that situation,

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1 way or another. That decision was made by our
2 appeals committee.
3 Q. Which consisted, at the time, of
4 Marcia Murray, who was involved early in the
5 case --
6 MR. WAHL: Objection to.
7 Q. -- Jen Nichols, who was involved in
8 denying the first appeal?
9 A. And Tara Warshawer.
10 Q. What's Tara Warshawer's position at
11 that time?
12 MR. WAHL: At which time?
13 MR. ROBERTS: The time of December
14 27, 2001 when this decision was made to approve
15 the third appeal.
16 A. I believe she was a team manager.
17 Q. Are there claims that Prudential
18 has approved that are on auto pay?
19 A. I'm not sure what you mean.
20 Q. You've never heard the phrase auto
21 pay?
22 A. I've heard the phrase auto pay,
23 never in connection with a long-term disability
24 claim.
25 Q. Oh, really. Are there claims that

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1 would you require proof of disability?
2 A. I can't recall that we have any
3 such situation. But, at a minimum, we would
4 require proof of disability, at least once
5 every two years.
6 Q. Are there any claims you have on
7 which it's a once every two years scenario?
8 A. Yes.
9 Q. Are there any claims you have where
10 it's a longer period of time than that?
11 A. No.
12 Q. Are there claims that you approved
13 for a period of five years or more where you
14 require monthly proof of disability?
15 MR. WAHL: Objection.
16 A. I'm not sure I understand your
17 question.
18 Q. Are there claims where the claimant
19 has been receiving benefits for a period equal
20 to or greater than five years, where you still
21 require monthly proof of disability?
22 A. There could be.
23 Q. Are there any that you can think
24 of?
25 A. Yes.

<p style="text-align: right;">50</p> <p>1 Q. What types of illnesses do those 2 individuals have that you can think of? 3 A. I can't think of any illnesses 4 offhand. You know, and maybe what you're 5 getting at is, we do require periodic proof of 6 disability. If somebody has a condition. Is 7 that extremely well documented by medical, by 8 objective medical evidence, such as the 9 situation of somebody in a coma, or somebody 10 who's lost limbs, and it's clear and evident 11 that there's not a likelihood, but that the 12 person is totally disabled, at present, and 13 there is no likelihood of future improvement, 14 then we would require periodic proof of 15 disability, but we would only request it every 16 couple of years. 17 But there are many conditions where 18 present total disability isn't clear or the 19 opportunity for future recovery is based on 20 improvement in the condition or advances in 21 medical technology, where we would require more 22 frequent proof of disability. 23 Q. Even where the person, the 24 hypothetical person has been receiving benefits 25 continuously for five years or more?</p>	<p style="text-align: right;">52</p> <p>1 approve the third appeal, was any consideration 2 given to the opinions of Mr. Jeffries' doctors 3 that this illness would be permanent? 4 MR. WAHL: Objection. 5 MR. ROBERTS: What's the basis of 6 that objection? 7 MR. WAHL: He's testified 15 times 8 he did not make a decision on the appeal. 9 Q. Okay. You were present when the 10 decision was made. Based on your observation 11 of those making the decision, was there any 12 consideration given to the fact that 13 Mr. Jeffries' physicians had suggested that 14 this would be a permanent illness? 15 A. Well, the group policy doesn't have 16 any requirement. 17 Q. I don't ask you if the policy said 18 .. 19 MR. WAHL: Let him answer the 20 question, please. 21 MR. ROBERTS: He's not answering. 22 MR. WAHL: You interrupted him 23 before he finished his answer. 24 Q. Was any consideration, based on 25 your observations, was there any consideration</p>
<p style="text-align: right;">51</p> <p>1 A. Yes. 2 Q. And can you give me a condition 3 that someone suffers from? Because you said 4 you can think of some specific claims where 5 they have been paid for five years or more, yet 6 monthly proof is still required. What types of 7 illnesses are you, specifically, thinking of? 8 MR. WAHL: Objection. 9 Q. Don't tell me the name of the 10 claimant. I don't want to know. I just want 11 to know the condition. 12 A. Don't worry. I wasn't going to. 13 Q. This person or persons that you're 14 thinking, what is it that they're suffering 15 from has put them in a position where they're 16 getting benefits for five years continuously, 17 but still have to give monthly proof of loss? 18 A. A person who has -- 19 Q. This is a specific case you're 20 giving me, not a hypothetical? 21 A. No, I'm giving you a hypothetical. 22 Q. Can you think of any specific 23 cases? 24 A. Not off the top of my head. 25 Q. When you made the decision to</p>	<p style="text-align: right;">53</p> <p>1 given to the fact that Mr. Jeffries' doctors 2 said this would be a permanent condition? 3 A. And as I was starting to say 4 before, the group policy doesn't require 5 permanent disability in order for benefits to 6 be approved. In fact, there's no mention of 7 permanent disability in the group policy. 8 So, what was at issue before the 9 appeals committee was whether or not 10 Mr. Jeffries was eligible for benefits under 11 the terms of the group policy at the time that 12 they were making that decision. 13 Q. So, no consideration was given to 14 the fact that his doctors suggested it would be 15 permanent. Is that correct? 16 A. It wasn't relevant to the 17 determination. 18 Q. Okay. Fine. I will accept that 19 answer now. Was there consideration given to 20 the fact that his doctors said it would be 21 permanent? 22 A. Um. 23 Q. You're struggling with an answer to 24 this question? 25 A. I'm struggling with answering what</p>

Responses and Replies

1:01-cv-00680-HJW-TSH Jeffries v. Prudential Ins Co

U.S. District Court [LIVE]

LIVE - U.S. District Court, Southern District of Ohio

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Case Name: Jeffries v. Prudential Ins Co
Case Number: 1:01-cv-680
Filer: Prudential Insurance Company of America, The
Document Number: 49

Docket Text:

RESPONSE in Opposition re [47] Motion for Summary Judgment *By Plaintiff* filed by Defendant Prudential Insurance Company of America, The. (Attachments: # (1) Exhibit "A" Page 1# (2) Exhibit "A" Page 2# (3) Exhibit "A" Page 3# (4) Exhibit "A" Page 4# (5) Exhibit "A" Page 5)(Cummins, James)

The following document(s) are associated with this transaction:

Document description:Main Document

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Document description:Exhibit "A" Page 1

Original filename:n/a

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Document description:Exhibit "A" Page 2

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[STAMP dcecfStamp_ID=1040326259 [Date=9/3/2003] [FileNumber=3291-2] [22bfb9b5e65c250b869caceb2a7833cbc0a57e4f96464f16774ca635f9748307ccc967d055c6f9f5cb16f522df2dbe1731c1eb501d1e29fc5e210006abfb6cd9]]

Document description:Exhibit "A" Page 3

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Document description:Exhibit "A" Page 4

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Document description:Exhibit "A" Page 5

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